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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8
1. D. Bryce
6/27/03

In re Application of)
Peter GEISTLICH et al.)
Serial No. 09/925,728) Examiner: B. Pellegrino
Filed: August 10, 2001) Group Art Unit: 3738

For: METHOD FOR PROMOTING REGENERATION OF SURFACE CARTILAGE IN
A DAMAGED JOINT USING MULTI-LAYER COVERING

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

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Assistant Commissioner for Patents

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The owner, **Ed. Geistlich Soehne AG fuer Chemische Industrie**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,352,558. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently

shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge our Deposit Account No. 02-2135 for Terminal Disclaimer fee. A duplicate copy is enclosed.

Respectfully submitted,

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